

AO 106 (Rev. 04/10) Application for a Search Warrant

United States District Court

for the
Western District of New York

In the Matter of the Search of

AN APPLE IPAD, SERIAL NUMBER H417C45W33

Case No. 23-MJ-1188

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A attached hereto and incorporated herein by reference.

Located in the Western District of New York, there is now concealed:

See Attachment B, which is attached and incorporated herein by reference.

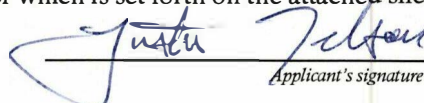
The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. U.S.C. § 2252A(a)(5)(B).

The application is based on these facts:

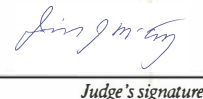
- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

JUSTIS W. NELSON
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION

Sworn to telephonically and signed electronically.

Date: December 11, 2023


Judge's signature

City and state: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

AFFIDAVIT IN SUPPORT OF APPLICATION

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

Justis W. Nelson, being duly sworn, deposes and says:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and entered on duty in September 2022. I am currently assigned to the Buffalo Field Office Child Exploitation and Human Trafficking Task Force ("CEHTTF"), which targets individuals involved in the sexual exploitation of children and adults, as well as human trafficking offenders. As such, I am a law enforcement officer of the United States, within the meaning of Title 18, United States Code, Section 115(c)(1), who is "authorized by law or by Government agency to engage in or supervise the prevention, detention, investigation or prosecution of any violation of Federal criminal law."

2. As a Special Agent, I attended the FBI Academy, which included twenty-one weeks of instruction, located in Quantico, Virginia. During this training, I received instruction regarding a wide variety of investigative techniques that are commonly used in support of the FBI's investigative priorities. This training included instruction regarding the use of sources, electronic surveillance techniques, law enforcement tactics, search and seizure laws and techniques, physical surveillance, forensic techniques, and interviewing, among other topics. As a Special Agent assigned to the CEHTTF, I have participated in investigations of persons suspected of violating federal child exploitation, child pornography, and human trafficking laws, including the drafting and execution of search and arrest

warrants. I have participated in multiple investigations in which criminals used computer, cellular telephone, and other mobile communication technology to communicate with their associates, confidential informants, cooperating individuals, and undercover officers. I have also participated in interviews of individuals that have been directly and indirectly involved in criminal activities. I work with experienced FBI Special Agents and Task Force Officers, and I have consulted with numerous law enforcement officers experienced in child exploitation investigations. I have also participated in FBI mandated and voluntary training for these matters. Prior to my employment with the FBI, I was employed as a Police Officer with the Denver Police Department for approximately four years. In this role, I successfully executed arrest and search warrants for various violations of state law.

3. I offer this affidavit in support of a search and seizure warrant, pursuant to Rule 41 of the Federal Rules of Criminal Procedure, to search an **Apple iPad, Serial Number H417C45W33**, more fully described in **Attachment A** of this affidavit.

4. Based on the information provided in this affidavit, I believe this location will contain evidence in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) [Possession of Child Pornography].

5. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers, and upon my training and experience. Because I offer this affidavit for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to

establish probable cause to issue the requested warrant.

DETAILS OF INVESTIGATION

6. On or about October 26, 2023, the FBI was notified by an attorney at Hodgson Russ LLP, the law firm that represents The Gow School¹, that an employee of the school with access to the school's computer systems (hereinafter, "IT employee") became aware of potential child pornography located on the Subject's OneDrive cloud account², which is owned and utilized by the school (hereinafter, "Cloud Account"). The attorney expressed that the school would be fully cooperative with the FBI's investigation.

7. On or about October 27, 2023, I spoke with the IT employee about his observations of the electronic contents of the Subject's Cloud Account. The IT employee provided a written statement which the facts in the following paragraphs. All actions taken by the IT employee occurred prior to law enforcement being contacted.

8. On or about October 15, 2023, the Subject turned his old, school-owned **ThinkPad Laptop, Serial Number R912GBRV** (hereinafter, "ThinkPad") into the IT employee because the keyboard was not working properly. The Subject was issued another laptop. The Subject had upcoming travel abroad on behalf of the school.

¹ The Gow School is a private boarding school specializing in children with learning disabilities such as dyslexia and attention deficit hyperactivity disorder (ADHD), among others. According to the reporting attorney, it is believed approximately 95% of students at this school live on campus.

² A Cloud Account or cloud storage is a mode of computer data storage in which digital data is stored on servers in off-site locations. The provider of these off-site locations ensures that data on its servers are accessible through public or private internet connections.

9. The Gow School employees informed me that all of the Subject's school owned, internet-connected electronic devices have the ability to connect to the Cloud Account. The Gow School employees further informed me that the Subject has a tablet computer, a school issued laptop, and a school issued cellular telephone that are typically stored in the Subject's residence or office. The Gow School employees are unaware of whether the Subject took the tablet computer or other electronic devices with him on his current international travel.

10. On or about October 24, 2023, the IT employee was working from home on his personal laptop, which allows him to access The Gow School's computer network. The IT employee was notified of a "Low Severity Alert" on the Subject's school-issued laptop. This alert occurred on October 19, 2023, days after the Subject turned over his ThinkPad and was issued a new laptop by The Gow School. Therefore, the alert occurred with the ThinkPad laptop as opposed to the Subject's newly issued laptop.

11. The source of the threat notification was determined to be an update to the TOR internet browser³ (hereinafter, "TOR"). TOR was located on the Subject's Cloud Account and determined to be accessed by his school-issued laptop. The IT employee is familiar with the utilization of TOR and its anonymizing capabilities. The IT employee decided it was unsuitable to be used by The Gow School's computer network. The IT employee attempted to delete TOR from the Cloud Account. Inside the folder where TOR was located, two Microsoft Word documents and two Microsoft Excel documents were located.

³ TOR is a free internet browsing service that enables anonymous web browsing and communications.

12. The contents of one of the Microsoft Word documents consisted of Uniform Resource Locator (URL) links⁴. The IT employee noticed words inside the URL links, such as “Neverland” and “lost boys.” The IT employee stated he was concerned about the webpage’s contents. Upon accessing the URL, the IT employee was routed to a login screen on TOR which depicted naked boys under the age of 10 conducting sexual acts on each other.

13. In my training and experience, the description of the webpage’s contents, which were viewed by the IT employee, constitute child sexual abuse material (CSAM)⁵.

14. The IT employee closed the TOR browser, copied the two Microsoft Word documents and two Excel documents in order to preserve his discovery, and shut off the laptop. On or about October 25, 2023, the IT employee moved the copied documents to a thumb drive. He also copied the contents of the Subject’s Cloud Account to a hard drive. On or about October 25, the IT employee met with the Head of The Gow School to notify him of his discovery on the Subject’s Cloud Account.

15. As previously stated, the FBI was notified concerning the Subject and this investigation on or about October 26, 2023. Therefore, the IT employee conducted a search of the Subject’s Cloud Account, under his own judgement and discernment.

⁴ A URL link is a thread of text characters that will route to a specific webpage on an internet browser.

⁵ In this affidavit, I intend the term “child sexual abuse material,” or “CSAM,” to have the same meaning as the term “child pornography,” as the latter term is defined in Title 18, United States Code, Section 2256(8). I use the term “CSAM” interchangeably with the term “child pornography.” Thus, my conclusion that a particular image or video qualifies as “CSAM” necessarily means that I believe that the image qualifies as “child pornography,” as that term is defined under federal law.

16. On or about October 27, 2023, the FBI took custody of the provided thumb drive, hard drive, and ThinkPad laptop. On or about October 30, 2023, I obtained components of The Gow School's Handbook. Section 13 of the handbook reads;

"The Gow School provides employees with computer equipment, including an Internet connection and access to an electronic communications system, to enable them to perform their jobs successfully.

Employees should have no expectation of privacy in any documents, communications, etc., that are sent, stored or created using the School's computer, email, internet or other IT resources. Any and all telephone conversations or transmissions, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectronic or photo-optical systems may be subject to monitoring at any and all times by any lawful means...

Employees may not, at any time, access the Internet using School equipment or links for any of the following purposes:

- To visit websites that offer pornography, gambling, or violent images, or are otherwise inappropriate..."*

17. On or about September 13, 2023, the Subject acknowledged the rules and regulations provided within The Gow School's Handbook.

18. On or about November 1, 2023, the attorney at Hodgson Russ LLP that represents The Gow School signed a Consent to Search form for the thumb drive, hard drive, and ThinkPad laptop.

19. On or about November 1, 2023, I reviewed the contents of the thumb drive and

the hard drive provided by the IT employee. On the hard drive, which contained a copy of the Subject's Cloud Account, I located a folder labeled "Tor browser". This folder contained multiple URL links for the TOR browser (i.e., "boysrusx2x57nrer4xl14ap6ityf5qskjzewhznz7s6qto3mjzegrteid.onion/ucp.php?mode=login"). These links led to child pornography webpages that required login information. The URL link above is a webpage which displayed minor males, approximately 6-10 years old, exposing their penises and other minor males kissing each other. Based on my training and experience, I determined the intent of the webpage is clearly to promote CSAM.

20. On or about November 8, 2023, I was notified by the Western New York Regional Computer Forensic Laboratory (WNYRCFL) that a search of the ThinkPad laptop revealed CSAM. Laboratory personnel notified me that the search was not complete; however, they observed and provided images that were located on the computer. The table below describes some of the images provided:

Filename	Description
10231cfa8a637871.jpg	An image depicting two minor males, approximately 8-10 years old, exposing and touching each other's penises.
1139d2ccb44a3503.jpg	An image depicting a minor male, approximately 6-years-old providing oral sex on an adult male's penis.

These images, as well as additional images constituting CSAM, were located within the

ThinkPad laptop's "Thumbcache."⁶

21. Additional images were located on the ThinkPad laptop that appear to be from a covert camera displayed in a bedroom. From the images provided, there are timestamps ranging from January of 2019 through September of 2023. Images captured by the camera depict clothed, two male children in a bedroom believed to be on campus of The Gow School. The children in the surreptitiously recorded picture from the bedroom appear to be the Subject's children. Another image depicts the Subject, alone, in front of the camera. At the time of this affidavit, a search of the ThinkPad laptop is still being conducted.

22. Because the surreptitiously recorded images appear to involve two of the Subject's children, it is likely that this covert camera was located in the defendant's residence.

ARREST AND SEARCH

23. On or about November 9, 2023, a criminal complaint and search warrant were issued for the Subject, the Subject's person, residence, and office desk. On or about November 12, 2023, the Subject was taken into custody at Buffalo Niagara International Airport and search warrants were executed simultaneously. The Subject was returning from international travel from Singapore.

24. The Subject's personal cell phone was removed from his person prior to the custodial interview. He was also carrying a green military-style backpack on his person. In sum and substance, a custodial interview of the Subject revealed the following:

⁶ Thumbcaches are directories within a computer that store thumbnails, a smaller image representation of a larger image. Thumbcaches are automatically created when a user switches a folder to thumbnail viewing mode or views images within a Microsoft slideshow.

- The Subject turned over a Lenovo laptop to The Gow School because it broke. He was issued another laptop.
- The Subject uses TOR when he is traveling.
- The Subject has viewed child pornography online. He has electronic devices at his residence that contain child pornography.
- The Subject views, masturbates to, then deletes the child pornography he obtains.
- The Subject stated that he only watches child pornography while he is out of the country.
- The Subject has multiple surreptitious cameras located around his residence. These cameras capture images of his children. The Subject described his use of the cameras as a voyeurism and a fetish. He has been recording surreptitiously for approximately five years.
- The Subject was sexually assaulted as a child.
- The Subject has not had sexual, physical contact with any minor as an adult.
- The Subject stated the hard drive in his carry-on backpack contained child pornography.

During the custodial interview, the Subject's backpack was removed from his person. Upon conducting an inventory search after transporting the Subject to Niagara County Jail, the Subject's electronic devices (previously mentioned in Western District of New York Case Number 23-MJ-1155), including his **Apple iPad, Serial Number H417C45W33**, were located inside his backpack. The subject's electronic devices were inventoried but not searched at the time. Condoms, sexual lubricant, and a device believed to be a sex toy was also located inside

the Subject's backpack.

25. During the search of the Subject's residence, office desk, and person multiple items were seized, including cell phones, surreptitious recording devices, SD cards, and hard drives.

26. On or about November 14, 2023, a review of a SD card contained within a recording device that appeared to be a wall clock at The Gow School was conducted. The SD card contained recordings of minor children performing sexual acts on each other within the Subject's residence. The SD cards found at The Gow School are similar in appearance, size, and functionality to the SD cards found in the Subject's backpack.

27. Based on the Subject's statements made to arresting agents and CSAM observed during a preliminary search of electronic devices seized from the Subject's residence, specifically SD cards, hard drives, thumb drives, and laptops, I have reason to believe the referenced Subject device I am seeking a search warrant for contain evidence of child pornography. Specifically, the defendant stated that his external hard drive in his backpack, External Hard Drive, Serial Number WXL2D53766AN, contained child pornography. He further stated that he views child pornography while out of the country, which is where he was. Finally, the SD cards are the same type and variety that were used in his covert cameras, which we have since determined were used to produce child pornography.

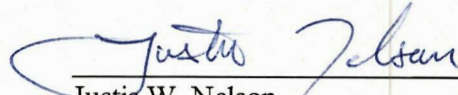
28. On or about December 5, 2023, while reviewing evidence, I observed an error in the serial number presented on a signed search warrant for an Apple iPad (Western District

of New York Case No. 23-MJ-1155). The correct serial number was identified as **H417C45W33**. An extraction of the listed device was completed under the previous search warrant on or about December 1, 2023. However, I had not reviewed the extraction prior to recognizing this error. Out of an abundance of caution, I am applying for another search warrant for the item described in **Attachment A** of this affidavit.

29. At the time of this affidavit, additional extractions and reviews of electronic devices are still being conducted to identify victims and determine the full extent of crimes committed.


CONCLUSION

30. Based upon the above information, I respectfully submit that there is probable cause to believe that the Subject's **Apple iPad, Serial Number H417C45W33** contains evidence in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) [Possession of Child Pornography]. I respectfully request the court issue a search warrant for the item listed and described in **Attachment A**.



Justis W. Nelson,
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed telephonically
this 11th day of December 2023.

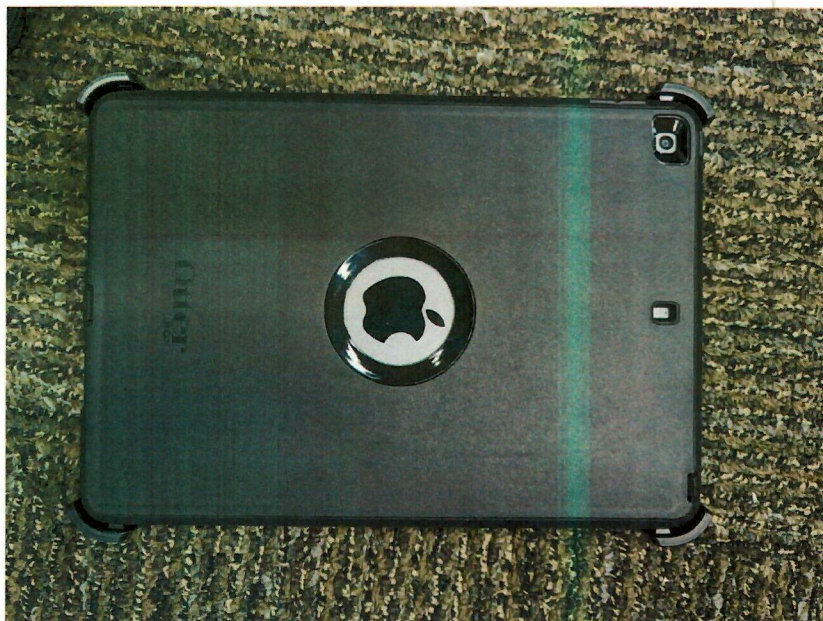


HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

ITEMS TO BE SEARCHED

The item to be search is an Apple iPad, Serial Number H417C45W33 located in the Subject's carry-on backpack that was seized from his person on November 12, 2023.



ATTACHMENT B

ITEMS TO BE SEARCHED FOR AND SEIZED

The items to be searched for and seized at the location listed in Attachment A whether in physical, documentary, or electronic form, that pertain to violations of 18 U.S.C. § 2252A(a)(5)(B) [possession of child pornography], including:

1. All visual depictions, including still images, videos, films or other recordings, of child pornography; minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256; child erotica (that is, minors engaged in sexually suggestive behavior); and any mechanism used for the production, receipt, distribution, advertisement, or storage of the same.
2. Information pertaining to or related to an interest in child pornography or the visual depiction of the sexual exploitation of a child, including any and all documents, records, images, videos, emails, email software, associated email addresses, email address book contents, internet history, browsing history, internet search history, cookies, deleted files, bookmarked and favorite web pages, user typed web addresses, desktop shortcuts, path and file names for files opened through any media and/or image viewing software, chat software, chat files, chat logs, chat names used, peer to peer software, peer to peer files, newsgroup postings by the user, IP addresses assigned, and other evidence pertaining to the production and possession of child pornography;
3. Documents and records regarding the ownership, usage and/or possession of the searched property.
4. During the search, photographs of the items referenced in Attachment A may also be taken to record the condition thereof and/or the location of items therein.